

01.12.2023

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Allowed

C.R.M. (NDPS) No. 1907 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 285 of 2022 dated 28.08.2022 under Sections 21(B)/22(B)/25(A) of the N.D.P.S. Act.

And
In Re : Humayun Kabir @ Kabir Sekh petitioner

Mr. Tapodip Gupta
Mr. Suman Bhanja
.....for the petitioner

Mr. Neguive Ahmed, learned APP
.....for the State

1. Learned Counsel for the petitioner submits quantity of narcotics i.e. amount of Heroin is below commercial quantity. He is in custody for one year and three months. He prays for bail.

2. Nobody appears for the State.

3. We have considered the materials on record. Keeping in the mind the nature of accusation which involves recovery of intermediate quantity of narcotics and as the case does not attract statutory restrictions under Section 37 of the NDPS Act, we are of the opinion further custodial interrogation is not necessary and he may be enlarged on bail.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under

NDPS Act-cum-Additional District Judge, 2nd Court, Berhampore, Murshidabad, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)